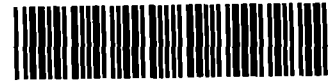




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

US EPA RECORDS CENTER REGION 5



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FEB 24 1981

THE ADMINISTRATOR

Thomas Berg
United States Attorney
District of Minnesota
234 United States Courthouse
Minneapolis, MN 44501

Dear Mr. Berg:

Section 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 authorizes the President to undertake such investigations, monitoring, surveys, testing, and other information gathering as he deems appropriate to identify the existence and extent of a release or threat of release of a hazardous substance into the environment. In addition, Section 104(b) authorizes the President to undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover costs thereof, and to enforce the provisions of the Act. On January 19, 1981 by Executive Order 12286, the President delegated these authorities under Section 104(b) as well as other authorities under the Act to the Administrator of the Environmental Protection Agency (EPA). When EPA takes such actions, the responsible parties may be liable pursuant to Section 107(a) of the Act for costs incurred by EPA.

EPA has determined that there has been a release into the environment of hazardous substances within the meaning of Section 104 of the Act, and there continues to be a substantial threat of a release of hazardous substances into the environment from the former Reilly Tar and Chemical Corporation site in St. Louis Park, Minnesota. EPA has further determined that Reilly Tar and Chemical Corporation is legally responsible for taking removal and remedial actions to abate the hazard as detailed in the complaint filed by the Department of Justice in United States of America v. Reilly Tar and Chemical Corporation, et al., Civil No. 3-80-512 (D. Minn., filed Sept. 4, 1980).

In view of this determination, EPA hereby authorizes you to request Reilly Tar and Chemical Corporation to develop a preliminary and partial remedial action plan, as a first step in the removal or containment of the hazardous substances being released from the site. This plan shall provide for, at a minimum, the accomplishment of the following actions: 1) investigation of the contamination

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of wells 23 and 115 on the Reilly Tar site, investigation of the migration of hazardous substances from the two wells, and a study concerning the possible abandonment or reconstruction of the wells; 2) investigation of all wells in the St. Louis Park and surrounding area contaminated with hazardous substances from the Reilly Tar site and a study concerning the possible abandonment or reconstruction of wells where appropriate; 3) investigation of municipal well 15 to determine whether it can effectively function as a barrier well for containment of hazardous substances from the Reilly Tar site in the aquifers underlying St. Louis Park and surrounding area; and 4) investigation of a pilot water treatment system at municipal well 15 to demonstrate the appropriate means for removal of hazardous substances discharged in the well water.

The remedial action plan must be submitted for review and approval within 60 days of notification of Reilly Tar. If Reilly Tar and Chemical Corporation does not submit a plan within 60 days, or if the plan is not approved by EPA, the actions described above will be undertaken by EPA by authority of the Act and Reilly Tar and Chemical Corporation may be liable for all costs incurred in the development and implementation of the remedial action plan. Clearly, the measures described above constitute only the initial portion of the removal or remedial actions that may be necessary to protect the public health or welfare or the environment from release of hazardous substances from the Reilly Tar site.

Please advise Reilly Tar that they should respond to you in writing (with a copy to Jeff Miller) within ten days of notification, indicating whether it intends to prepare the remedial action plan requested in this letter. If the Corporation does not intend to prepare a plan it should state the reason for its decision in its response to you.

Sincerely,



Walter Barber
Acting Administrator

cc: Jeff Miller, Acting Assistant Administrator for Enforcement
Angus Macbeth, Department of Justice
Michael Cook, Deputy Assistant Administrator for
Hazardous Emergency Response, U.S. EPA

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